



DC Voting Rights Bill Circumvents Constitution

by Rep. Tom Price (more by this author)

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Editor's Note: HUMAN EVENTS strongly opposes to HR 1433, the DC Voting Rights bill now being considered by the House. We believe it is unconstitutional and antithetical to the Founders' intent. Rep. Tom Price of Georgia poses a constitutional solution.

The House of Representatives stands on the verge of voting on a flatly unconstitutional, historically egregious bill, the District of Columbia House Voting Rights Act of 2007. This bill would grant the District of Columbia a full voting seat in the House of Representatives by circumventing the Constitution. While I agree that it is an injustice that any United States citizens not have voting representation in Congress, the contorted logic some have used to justify this bill is quite troubling.

In supporting this proposal, Kenneth Starr wrote, "There is nothing in our Constitution's history or its fundamental principles suggesting that the Framers intended to deny the precious right to vote to those who live in the capital of the great democracy they founded." While this may be true, the fact remains that the Constitution exclusively affords House representation to the states. Just because the District of Columbia was denied a seat in the People's house does not mean that Congress can ignore the Constitution.

Advocates of the DC Voting bill are discounting as unpersuasive the "plain language" of Article I, Section 2 of the Constitution, which states, "The House of Representatives shall be composed of Members chosen every second Year by the People of the several states." As if that weren't enough, the next sentence declares, "No Person shall be a Representative who shall not...when elected, be an Inhabitant of that State in which he shall be chosen."

It is indisputable that House representation is constitutionally limited to the states. In fact, the Bush Administration recently declared the bill unconstitutional, citing 12 provisions in the Constitution that expressly link congressional representation to statehood. Certainly, no one is claiming that the District of Columbia is one of the 50 states.

Sadly, constitutionality is not a concern of proponents of this legislation. The central argument from supporters of this bill is fairness. They argue that members of Congress have a moral responsibility to right this wrong by any means. The

Founding Fathers would be aghast at this brazen disregard for the Constitution in pursuit of a quick fix.

Supporters of this feel-good legislation frequently cite the "District Clause" of the Constitution as justification, which reads, "Congress shall have power...to exercise exclusive Legislation in all Cases whatsoever, over such District." It is correct that Congress has the power to govern the District of Columbia, but this does not mean that the residents of the District of Columbia have the right to a seat in Congress, giving them the power to legislate over the 50 states.

The District Clause is found in Section 8 of Article I, the same section that gives Congress the power to "establish Post Offices" and to "make Rules for the Government and Regulation of the land and naval forces." Surely no one would propose granting Fort Gordon a seat in the House, but the promotion of this would follow the same logic.

To be clear: I support representation for the residents of the District of Columbia but not under this bill's approach. It is truly unjust that these tax-paying citizens are denied the right to have their voice heard in the people's House. But Congress cannot create voting rights for D.C. residents by simply ignoring or contorting the Constitution because it is our will. There are two proper, constitutionally just courses of action to remedy this unfairness.

First, the Founders gave Congress and the people the authority to amend the Constitution. This course would provide for a 51st state of the District of Columbia. But as the constitutional amendment process can be protracted and complicated, I support the second course -- retroceding the non-federal portion of Washington, D.C., to the state of Maryland. Following this plan, most of the residents would have full representation in the House and Senate, as residents of Maryland. This is a commonsense proposal with historic precedent. In 1846, the land west of the Potomac was ceded back to the Commonwealth of Virginia, and these people now enjoy full congressional representation.

There is a great responsibility in supporting the republican form of government that our Founders created. And where injustices lie in the Constitution, Congress is right to try to correct them. But the greatest respect is owed to our Founders and our nation as the longest surviving democracy in history. There is a reason for that and it has much to do with respecting the genius of our founding document. We must not ignore the principles of the constitutional republic our Founders laid out.

It is fundamentally antithetical to pursue representative fairness while disregarding the Constitution. I am hopeful that supporters of this bill will see the great fault in their logic, and resolve the injustice of the residents of the District of Columbia not having a voting representative in Congress properly within the bounds of the Constitution.

Mr. Price, a Republican, represents the 6th Congressional District of Georgia.

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